

Turney.  
Wayland.

Yantis.  
Yett.

Absent.

Goss.  
Gough.  
Greer.

Grinnan.  
Johnson.  
Linn.

Absent—Excused.

Morriss.

(At request of Senator Stafford, the proper and legal notices of application for this legislation were exhibited in the Senate.)

Bill read third time, and passed by the following vote:

Yeas—25.

Atlee.

Odell.

Burns.

Patterson.

Davidson.

Potter.

Dibrell.

Ross.

Greer.

Sebastian.

Hanger.

Stafford.

James.

Stone.

Kerr.

Terrell.

Lewis.

Turney.

Lloyd.

Wayland.

McGee.

Yantis.

Miller.

Yett.

Neal.

Absent.

Goss.

Johnson.

Gough.

Linn.

Grinnan.

Absent—Excused.

Morriss.

The Chair laid before the Senate, on second reading,

Senate bill No. 75, A bill to be entitled "An Act to amend Article 5043, of the Revised Civil Statutes of Texas, as amended by act of Twenty-fifth Legislature, so as to exempt certain counties therein named from the provisions of Title CII, Chapter 6, relating to the inspection of hides and animals."

Bill read second time, and on motion of Senator Atlee, was laid on the table subject to call.

Senator Miller called up from the table Senate Joint Resolution No. 1 (providing for a constitutional convention, with favorable majority and adverse minority committee reports), when pending action.

On motion of Senator Greer, the Senate adjourned to 10 a. m. tomorrow.

### THIRTY-SIXTH DAY.

Senate Chamber,  
Austin, Texas, Wednesday, Mch. 1, 1899.

Senate met pursuant to adjournment.  
President Pro Tem. Stafford in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.  
Burns.  
Davidson.  
Dibrell.  
Goss.  
Gough.  
Greer.  
Grinnan.  
Hanger.  
James.  
Kerr.  
Linn.  
Lloyd.  
McGee.

Miller.  
Neal.  
Odell.  
Potter.  
Ross.  
Sebastian.  
Stafford.  
Stone.  
Terrell.  
Turney.  
Wayland.  
Yantis.  
Yett.

Absent.

Johnson.  
Lewis.

Patterson.

Absent—Excused.

Morriss.

Prayer by the Chaplain, Rev. Dr. Den-son.

Pending the reading of the Journal of yesterday,

On motion of Senator James, the same was dispensed with.

### EXCUSED.

On motion of Senator Hanger, Senator Johnson was excused indefinitely on account of important committee duty.

On motion of Senator Turney, Senator Linn was excused for non-attendance on Monday and Tuesday of this week on account of important business.

On motion of Senator Goss, Senator Gough was excused for non-attendance on yesterday on account of important business.

On motion of Senator Miller, Senator Patterson was excused indefinitely on account of important committee duty.

On motion of Senator Gough, Senator Lewis was excused for today on account of important business.

### PETITIONS AND MEMORIALS.

By Senator Miller:

Petition of the members of the Haskell Avenue M. E. Church of Dallas, praying for the passage of the Yett cocaine-opium bill.

The petition was read, and referred to Committee on Public Health.

By Senator Sebastian:

Petition from 194 citizens of Scurry county protesting against the passage of what is known as the "Wright" land bill now pending in the House.

Read, and referred to Committee on Public Lands and Land Office.

## COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, March 1, 1899.

*Hon. R. N. Stafford, President Pro Tem.  
of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

House bill No. 146, being a bill to be entitled "An Act to fix a time for holding the courts in the Forty-sixth Judicial District, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DAVIDSON, Chairman.

Committee Room,  
Austin, Texas, March 1, 1899.

*Hon. R. N. Stafford, President Pro Tem.  
of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

House bill No. 133, being a bill to be entitled "An Act to amend Section 12, Article 22, Title IV, of the Revised Civil Statutes of Texas, changing the time of holding the district court in Trinity county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DAVIDSON, Chairman.

Committee Room,  
Austin, Texas, March 1, 1899.

*Hon. R. N. Stafford, President Pro Tem.  
of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 161, being a bill to be entitled "An Act to amend Section 12, of Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, changing the time of holding district court in Trinity county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*, for the reason the committee has directed a favorable report on House Bill No. 133, said bill being of the same subject matter as Senate Bill No. 161.

DAVIDSON, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the  
Senate.*

SIR: Your Committee on State Affairs, to whom was referred

Senate bill No. 187, being a bill to be entitled "An Act declaring and making all mortgages, deeds of trust, contracts and other obligations in writing, whereby land or real property situated in the State of Texas is made security for the payment of debts, to be land or real property for the purpose of assessment and taxation; to provide for the assessment thereof for taxation, and to provide for the sale thereof for such taxes,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

GOUGH, Chairman.

Committee Room,  
Austin, Texas, March 1, 1899.

*Hon. Jas. N. Browning, President of the  
Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 193, being "An Act to authorize the St. Louis Southwestern Railway Company of Texas, to purchase, own and operate a railway, extending from a point in or near the town of Tyler, in Smith county, to a point in or near the town of Lufkin, in Angelina county, with its franchises and appurtenances, known as the Tyler Southeastern Railway, and to authorize the Tyler Southeastern Railway Company, and the owners thereof to sell the same, and to authorize a corresponding increase in the authorized aggregate of the bonds and stock of the St. Louis Southwestern Railway Company of Texas, and to regulate reports of such properties, and the operations thereof,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the  
Senate.*

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 149, being "An Act to be entitled 'An Act to extend the time until the first day of January, 1902, in which the affairs of the Franco-Texan Land Company, a defunct private corporation, may be administered and wound up in the District Court of Parker county, Texas, in cause No. 3305, now pending in said court,'"

And find the same correctly enrolled, and have this day, at 11:50 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,  
Austin, Texas, March 1, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 22, being "An Act making an appropriation to pay for publishing the Constitutional Amendments proposed by the Twenty-fifth Legislature,"

And find the same correctly enrolled, and have this day, at 11:40 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 134, being "An Act to be entitled 'An Act to abolish the unorganized county of Encinal; to establish the boundaries of Webb county so as to include the territory of said unorganized county; to provide for transfer of funds belonging to said county in the State treasury to the treasury of Webb county; and for the collection of taxes due from non-residents,'"

And find the same correctly enrolled, and have this day, at 11:50 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 201, being a bill to be entitled "An Act to refund to the various counties of this State the State's pro rata for compiling the delinquent tax record,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 157, being a bill to be

entitled "An Act authorizing county judges to issue writs of attachment for the retention and return of minors who have gone beyond the control of their guardians,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 198, being a bill to be entitled "An Act to authorize the Railroad Commission of Texas to charge fees for all copies of papers in its office, except such as may be furnished to some department of the State government, and to prescribe the amount of such fees,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 165, being a bill to be entitled "An Act to authorize the Superintendent of the State Penitentiaries, with the advice and consent of the Governor, to sell the State's interest in certain lands, situated in Maverick county, being an undivided interest of two-thirds in 320 acres, Survey No. 50, in the name of John James, assignee of Hendrick Arnold, and to pay over the proceeds thereof to the Financial Agent of the State Penitentiaries for the use of the penitentiaries,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 197, being a bill to be entitled "An Act to appropriate \$15,000 to build and maintain an orphans' home for colored children at Corsicana, Texas,

and for the purchase of one hundred acres of land, to provide for a board of managers, superintendent, and matron for said home, and to define their duties."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 169, being a bill to be entitled "An Act relating to taking depositions of witness in suits,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 210, being a bill to be entitled "An Act to amend Article 3380, Title LXVIII, of the Revised Civil Statutes of Texas, relating to liquor dealers,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 87, being a bill to be entitled "An Act to authorize sheriffs, constables and other officers to demand a bond of indemnity before levying a writ of execution,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*, with the following amendments:

Amend by adding after the word "execution," in Section 1, the words "upon personal property."

Amend by striking out Section 2 of the bill.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 209, being a bill to be entitled "An Act to amend Article 5060g, Chapter 1a, Title CIV, of the Revised Civil Statutes of the State of Texas, relating to the regulation of the sale of liquor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 207, being a bill to be entitled "An Act to amend Articles 2534, 2535, 2536, 2537, 2538, 2539 and 2540, of Title XLIX, of the Revised Civil Statutes of the State of Texas, relating to actions of forcible entry and detainer,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 167, being a bill to be entitled "An Act to change the times of holding courts in the Fifty-fourth Judicial District,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 170, being a bill to be entitled "An Act relating to county, city and town bonds; to provide for refunding, paying and exchanging the same, to issue new bonds for such purposes, and to regulate the sale or exchange thereof,"

Have had the same under considera-

tion, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 200, being a bill to be entitled "An Act to amend Article 652, of Title XXI, Chapter 3, of the Revised Civil Statutes of Texas, relating to the powers and duties of private corporations by adding thereto Article 652b, giving power to increase the capital stock of a corporation by amendment of charter,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 164, being a bill to be entitled "An Act empowering judges of district and county courts to compel the production, for inspection by parties litigants in such courts, of books, documents and writings, in the possession, power or control of the adverse party, his agent or attorney."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*.

ATLEE, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Linn:

Senate bill No. 211, a bill to be entitled "An Act to amend Chapter 9, Title XVII, of the Penal Code of the State of Texas, by adding thereto Article 724a, relating to the purchase, sale or transfer of seed cotton in the night time."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Turney, McGee and Neal:

Senate bill No. 212, a bill to be entitled "An Act to authorize the Houston East & West Texas Railroad Company to lease and operate under lease, the Houston & Shreveport Railroad, extending from the State boundary line at Logansport, Louisiana, thence through the parishes of De Soto and Caddo into the city of Shreveport, in said State."

Read first time, and referred to Committee on Internal Improvements.

By Senator Greer:

Senate bill No. 213, a bill to be entitled "An Act to appropriate the sum of two thousand dollars, or so much thereof as may be necessary for the payment of the bonds, certificates and other evidences of indebtedness against the Republic of Texas that were valid claims, or might have been, upon proper presentation and proof, claims against the United States government, under the Act of Congress, approved February 28, 1855, and Act of the Legislature of the State of Texas, approved February 18, 1856, and to provide for the proof and verification of the same."

Read first time, and referred to Committee on Finance.

By Senator Greer (at request of Senator Lewis):

Senate bill No. 214, a bill to be entitled "An Act to authorize the lease of any railroads connecting at the State line not exceeding thirty miles in length, by any railroad company so connecting with same."

Read first time, and referred to Committee on Internal Improvements.

By Senator Miller:

Senate bill No. 215, a bill to be entitled "An Act defining the offense of defrauding a hotel or boarding house, and fixing a penalty therefor."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Odell:

Senate bill No. 216, a bill to be entitled "An Act to regulate the practice of barbers in the State of Texas."

Read first time, and referred to Judiciary Committee No. 2.

Call concluded.

#### REGULAR ORDER.

The Chair laid before the Senate, on second reading,

Senate bill No. 140, a bill to be entitled "An Act to transfer Sabine county from the district school system to the community school system, and to authorize and empower the county to organize and conduct all of its public free schools under the community system as provided by the laws now in force."

Bill read second time.

By Senator Greer:

"Amend caption, page 1, line 5, by striking out the word 'county' and adding in lieu thereof, after the word 'Sabine,' the following words: 'and San Augustine counties.'"

Adopted.

The bill as amended was passed to a third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

## Yeas—21.

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Miller.
Dibrell.	Odell.
Gough.	Potter.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Turney.
James.	Wayland.
Kerr.	Yett.
Linn.	

## Nays—1.

Goss.

Present—Not voting.

'Terrell.

Absent.

Neal.	Stone.
Ross.	Yantis.

Absent—Excused.

Johnson.	Morriss.
Lewis.	Patterson.

Bill read third time, and passed by the following vote:

## Yeas—23.

Atlee.	McGee.
Burns.	Miller.
Davidson.	Neal.
Dibrell.	Odell.
Gough.	Potter.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Turney.
Kerr.	Wayland.
Linn.	Yett.
Lloyd.	

## Nays—1.

Goss.

Absent.

Ross.	Yantis.
Stone.	

Absent—Excused.

Johnson.	Morriss.
Lewis.	Patterson.

## BILL SIGNED.

The Chair gave notice of signing, and did sign, after their captions had been read,

House bill No. 149, "An Act to extend the terms and prescribe the time of holding the terms of the district courts of

the Thirty-seventh and Forty-fifth Judicial Districts of Texas."

House bill No. 223, "An Act to incorporate the city of Austin, grant it a new charter, and to fix its boundaries."

## SPECIAL COMMITTEE.

The Chair announced that Senator Wayland who had been appointed on the special committee to visit and report on the penal institutions of the State, was unable to attend said committee, and appointed Senator Turney in his stead.

The Chair then laid before the Senate, on second reading,

Substitute House bill No. 265, A bill to be entitled "An Act to amend Title LII, Chapter 5, of the Revised Civil Statutes of the State of Texas, adopted in 1895, by adding thereto Article 2904a and Article 2904b and Article 2905a, providing for the appointment by the Attorney-General of this State of a First Office Assistant Attorney-General, a Second Office Assistant Attorney-General, and a Third Office Assistant Attorney-General, and prescribing the duties and fixing the salaries of the same, and requiring said officers to execute a bond, and to amend Article 2905, of Title LII, Chapter 5, of the Revised Civil Statutes of the State of Texas, adopted in 1895, and to declare an emergency."

The bill was read (in full) a second time with Senate committee substitute therefor, which was also read in full, they being as follows:

Substitute House bill No. 265, by House Committee.

A bill to be entitled "An Act to amend Title LII, Chapter 5, of the Revised Civil Statutes of the State of Texas, adopted in 1895, by adding thereto Article 2904a and Article 2904b and Article 2905a, providing for the appointment by the Attorney-General of this State of a First Office Assistant Attorney-General, a Second Office Assistant Attorney-General, and a Third Office Assistant Attorney-General, and prescribing the duties and fixing the salaries of the same, and requiring said officers to execute a bond, and to amend Article 2905, of Title LII, Chapter 5, of the Revised Civil Statutes of the State of Texas, adopted in 1895, and to declare an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Title LII, of Chapter 5, of the Revised Civil Statutes of the State of Texas, adopted in 1895, be and the same is hereby so amended as to add thereto Articles 2904a and 2904b, and Article 2905a, as follows, and that Article 2905, of said Title LII, Chapter 5, of said Revised Civil Statutes of 1895, be

and the same is hereby so amended as to hereafter read as follows:

Article 2904a. The Attorney-General shall, immediately upon his qualification, or as soon thereafter as practicable, appoint, by and with the advice and consent of the Senate, one First Office Assistant Attorney-General, one Second Office Assistant Attorney-General, and one Third Office Assistant Attorney-General, who shall qualify as does the Attorney-General, and shall hold their offices during the term of office of such Attorney-General, unless sooner removed by him, and in case of the absence or inability of the Attorney-General to act, the First Office Assistant Attorney-General shall discharge the duties of the Attorney-General, and in case of the absence or inability of the Attorney-General and First Office Assistant Attorney-General, then the Second Office Assistant Attorney-General shall discharge such duties.

Article 2904b. Such Office Assistants Attorney-General shall assist the Attorney-General in the discharge of his duties, in such manner as he shall direct. The First Office Assistant Attorney-General shall receive for his services an annual salary of twenty-five hundred dollars. The Second Office Assistant Attorney-General shall receive for his services an annual salary of two thousand dollars. The Third Office Assistant Attorney-General shall receive for his services an annual salary of two thousand dollars, the same to be paid as is the salary of other State officers.

Article 2905. The Assistant Attorney-General, provided for in Article 2904 of this title, shall represent the State before the Court of Criminal Appeals, unless otherwise directed by the Governor or the Attorney-General.

Article 2905a. Each of the said officers provided for in this act shall, before entering upon the duties of his office, take the oath of office prescribed by the Constitution, and execute a good and sufficient bond in the sum of five thousand dollars, payable to the Governor of Texas, for the use and benefit of the State of Texas, and conditioned for the faithful performance of the duties of his office.

Sec. 2. The crowded condition of the calendar, and the fact that no law exists creating the offices of Office Assistants Attorney-General, or prescribing their duties, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force

from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 24, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Substitute House bill No. 265, being a bill to be entitled "An Act to amend Title LII, Chapter 5, of the Revised Civil Statutes of the State of Texas, adopted in 1895, by adding thereto Article 2904a, providing for the appointment by the Attorney-General of this State of a First Office Assistant Attorney-General, a Second Office Assistant Attorney-General, and a Third Office Assistant Attorney-General, and prescribing the duties and fixing the salaries of the same, and requiring said officers to execute a bond, and to amend Article 2905, of Title LII, Chapter 5, of the Revised Civil Statutes of the State of Texas, adopted in 1895, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the accompanying committee substitute bill in lieu thereof do pass.

ATLEE, Chairman.

#### SUBSTITUTE.

Substitute for Substitute House bill No. 265, by Senate Committee.

A bill to be entitled "An Act to amend Article 2905, Chapter 5, Revised Civil Statutes of 1895, of the State of Texas, authorizing the Attorney-General to employ assistants in his office."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2905, Chapter 5, Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 2905. The Attorney-General may employ, subject to legislative appropriation, such office assistants as may be actually necessary for the discharge of the duties of his office. In case of the absence and inability to act of the Attorney-General, the Assistant Attorney-General, now provided by law, shall discharge the duties devolved by law upon the said officer. And he shall also assist the Attorney-General in representing the interests of the State in all suits, pleas and proceedings in the Supreme Court and Courts of Appeals; provided, that in case of inability or absence from such office of the Attorney-General and such Assistant Attorney-General, then the At-

torney-General may designate any of the persons so employed by him under the provisions of this act to perform all the duties of such Attorney-General and in his name to sign all necessary papers and institute or defend all proceedings.

Sec. 2. The fact that there is no law authorizing the Attorney-General to employ assistance in his office and provide for the mode of attending to the business of said office in case of absence of the Attorney-General and Assistant Attorney-General creates an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and the same is so suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Action being on the adoption of the committee substitute, it was adopted by the following vote:

Yeas—15.

Atlee.	Miller.
Burns.	Neal.
Greer.	Odell.
Grinnan.	Potter.
James.	Terrell.
Kerr.	Yantis.
Lloyd.	Yett.
McGee.	

Nays—10.

Davidson.	Linn.
Dibrell.	Ross.
Goss.	Sebastian.
Gough.	Turney.
Hanger.	Wayland.

Present—Not voting.

Stafford.

Absent.

Stone.

Absent—Excused.

Johnson.	Morriss.
Lewis.	Patterson.

By Senator Linn:

"Amend by striking out all after the word 'appeals' in line 19, page 4, down to and including the word 'proceedings,' in line 24."

Lost by the following vote:

Yeas—10.

Davidson.	Linn.
Dibrell.	Sebastian.
Goss.	Stafford.
Gough.	Turney.
James.	Yantis.

Nays—16.

Atlee.	Hanger.
Burns.	Kerr.
Greer.	Lloyd.
Grinnan.	McGee.

22—Senate

Miller.  
Neal.  
Odell.  
Potter.

Ross.  
Terrell.  
Wayland.  
Yett.

Absent.

Stone.

Absent—Excused.

Johnson.  
Lewis.

Morriss.  
Patterson.

By Senator Dibrell:

"Amend in line 13, page 4, after the word 'assistants' the following 'not to exceed three.'"

By Senator Odell:

"Amend the amendment by adding thereto the following, 'whose salaries shall not exceed \$2500 for one office assistant, and \$2000 each per annum for two office assistants.'"

Adopted.

The amendment as amended was adopted by the following vote:

Yeas—17.

Atlee.	Neal.
Burns.	Odell.
Davidson.	Potter.
Dibrell.	Ross.
Gough.	Sebastian.
Hanger.	Terrell.
Lloyd.	Yantis.
McGee.	Yett.
Miller.	

Nays—9.

Goss.	Linn.
Greer.	Stafford.
Grinnan.	Turney.
James.	Wayland.
Kerr.	

Absent.

Stone.

Absent—Excused.

Johnson.	Morriss.
Lewis.	Patterson.

By Senator Greer:

"Amend by adding to Section 1, after the word 'proceedings,' the following: 'Provided, that nothing in this act shall be construed to relieve the Attorney-General from liability for the acts of such assistants so designated.'"

Adopted by the following vote:

Yeas—19.

Atlee.	Kerr.
Davidson.	Lloyd.
Dibrell.	McGee.
Goss.	Miller.
Gough.	Neal.
Greer.	Odell.
Grinnan.	Potter.
Hanger.	Sebastian.



Terrell. Yett.  
Yantis.  
Nays—6.  
Burns. Ross.  
James. Turney.  
Linn. Wayland.  
Present—Not voting.  
Stafford.

Absent.  
Stone.

Absent—Excused.  
Johnson. Morriss.  
Lewis. Patterson.

By Senator Yantis:  
"Amend by striking out the enacting clause."

Adopted by the following vote:

Yeas—15.  
Dibrell. Ross.  
Goss. Sebastian.  
Gough. Terrell.  
Grinnan. Turney.  
James. Wayland.  
Linn. Yantis.  
Lloyd. Yett.  
Miller.

Nays—11.  
Atlee. McGee.  
Burns. Neal.  
Davidson. Odell.  
Greer. Potter.  
Hanger. Stafford.  
Kerr.

Absent.  
Stone.

Absent—Excused.  
Johnson. Morriss.  
Lewis. Patterson.

Senator Turney moved to reconsider the vote by which the amendment was adopted, and to lay that motion on the table.

Lost by the following vote:

Yeas—6.  
James. Terrell.  
Linn. Turney.  
Ross. Yantis.

Nays—17.  
Atlee. McGee.  
Burns. Miller.  
Davidson. Odell.  
Dibrell. Potter.  
Goss. Sebastian.  
Greer. Stafford.  
Hanger. Wayland.  
Kerr. Yett.  
Lloyd.

Absent.  
Stone.

Absent—Excused.

Johnson. Morriss.  
Lewis. Patterson.

Action then being on the motion to reconsider,

On motion of Senator Atlee further consideration was postponed till Wednesday of next week.

#### HOUSE MESSAGES.

The following messages from the House were received:

Hall of the House of Representatives.  
Austin, Texas, March 1, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate that the House has adopted the report of the Free Conference Committee on Senate Concurrent Resolution No. 10;

Also that the House has passed Senate bill No. 155, A bill to be entitled "An Act authorizing the Governor to have underpinned, repaired and anchored the administration and ward buildings of the Southwestern Insane Asylum, and making an appropriation therefor."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 1, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 233, "An Act to prohibit railroad companies, their officers, agents and employes from making excessive charges for carrying and transporting freight, etc."

House bill No. 350, "An Act to require railway companies to receive and transport all freights coming to them from steamships, steamboats and other water crafts and vessels without discrimination for or against any other steamship, steamboat line or company or the owner or owners of any other water craft or vessels."

Also House bill No. 649, "An Act to amend subdivision 29, of Article 22, Title I, of the Revised Civil Statutes of the State of Texas, so as to change the times of holding the several district courts in the Twenty-ninth Judicial District, except Coryell county, and to extend the time of holding court in the county of Erath."

Also Substitute House bill No. 196, "An Act to amend Article 3953, Chapter

11, Title LXXXVI, of the Revised Civil Statutes of Texas, and to repeal all laws or parts of laws in conflict therewith."

Also House bill No. 498, "An Act to fix the time of holding the district courts of the Twenty-seventh Judicial District."

Also House bill No. 400, "An Act granting permission to B. P. Gohlson and J. W. Benson, or their assigns, to bring suit against the State of Texas in the District Court of Lampasas county to ascertain the amount, if any, is due them for services rendered the State as rangers or soldiers."

Also House bill No. 249, "An Act to amend Article 1012, Title XXVII, Chapter 14, Revised Statutes of 1895, relating to the employment of stenographers by the courts of civil appeals."

Also House bill No. 107, "An Act to amend Article 3909a, Title LXXXVI, Chapter 7, of the Revised Civil Statutes of the State of Texas, 1895, and relating to the course of study taught in the public free schools of Texas."

Also Senate bill No. 22, "An Act to make appropriation to pay for publishing the constitutional amendments proposed by the Twenty-fifth Legislature."

Also House bill No. 571, "An Act to authorize the Gulf, Beaumont & Kansas City Railway Company to purchase, own and operate the railroad, including all the property, property rights, franchises built or acquired by the Gulf, Beaumont & Great Northern Railway Company, now existing, or that may hereafter be built or acquired by the Gulf, Beaumont & Great Northern Railway Company, and to authorize and empower the Gulf, Beaumont & Kansas City Railway Company in the name of the Gulf, Beaumont & Great Northern Railway Company to issue bonds secured by mortgage upon the railway, property rights and franchises of the Gulf, Beaumont & Great Northern Railway Company, as said value may hereafter be ascertained and fixed by the Railroad Commission of Texas, and to regulate the reports of such properties and the operation thereof, and to enable said corporation, the Gulf, Beaumont & Great Northern Railway Company to build, construct and equip its proposed line or lines of railway as provided in its charter, and for said purpose to raise money therefor."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### IN SENATE.

The above reported House bills were read first time, and referred as follows:

House bill No. 233 to Committee on Internal Improvements.

House bill No. 350 to Committee on Internal Improvements.

House bill No. 571 to Committee on Internal Improvements.

House bill No. 498 to Committee on Judicial Districts.

House bill No. 649 to Committee on Judicial Districts.

House bill No. 196 to Committee on Educational Affairs.

House bill No. 107 to Committee on Educational Affairs.

House bill No. 400 to Judiciary Committee No. 1.

House bill No. 249 to Committee on Finance.

#### BILLS SIGNED.

The Chair gave notice of signing, and did sign, after their captions had been read,

Senate bill No. 155, "An Act authorizing the Governor to have underpinned, repaired and anchored the administration and ward buildings of the Southwestern Insane Asylum, and making an appropriation therefor."

Senate bill No. 22, "An Act making an appropriation to pay for publishing the constitutional amendments proposed by the Twenty-fifth Legislature."

House bill No. 352, "An Act to create a commission to frame and report a complete system of laws for the assessment, collection and accounting of taxes and public revenues in the State, to provide the duties and compensation of said commission, the methods of its work, the period of its service and the submission of a report of its labors to the Legislature, and to make an appropriation to defray the expenses of the same."

Substitute House bill No. 364, "An Act empowering the Governor of the State of Texas, together with the Commissioner of the General Land Office of said State, to employ four additional clerks, or so many thereof as may be necessary, to tabulate the account in the General Land Office between the State of Texas and the permanent school fund, and providing for the ascertainment of the amount of public domain of the State of Texas at the time of the adoption of the Constitution of 1876, and what has been done with same, and showing the present condition of the account between the State of Texas and the permanent school fund growing out of their joint landed interests, and making an appropriation therefor."

## SPECIAL COMMITTEE REPORT.

Committee Room,  
Austin, Texas, Feb. 23, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee appointed to visit the State Reformatory and House of Correction, at Gatesville, beg leave to report as follows:

We reached Gatesville, in Coryell county, February 22nd, and went out to the Reformatory, two miles north of Gatesville, and made as thorough investigation and inspection into the condition of that institution as we conveniently could.

The land on which the Reformatory is located consists of 640 acres of land, about 300 acres of which is in cultivation, the balance in pasture. The stock on the premises consists of about seventy head of cattle, twenty-one of which are milk cows, mostly good Jerseys, and about 100 head of hogs, 20 mules and one horse. All of the stock are in fairly good condition.

We found the farm operations of the institution in progress under the new management, which has been running since the first of the month. There is a good supply of corn and other provender for the stock now on hand. There are several hundred acres of land rented by the Superintendent on which to make a crop for this year. All of the farm is in fairly good condition.

We went through the various wards connected with the Reformatory. There are about 160 boys, about two-thirds of which are colored. The white and colored are kept separate on the grounds and in the buildings. The provisions for their accommodation are not as adequate as it should be, but they are reasonably cared for. The boys all enjoy good health. There are arrangements made for the sick ward, when it is necessary to care for the sick, and a physician provided for their attention. By arrangement under the management the colored boys and white boys are kept separate in all the works and in school. There are two teachers employed by the State, one to teach the colored and the other the white boys, and each of them stated to us that the boys were making a fair degree of success in their studies. There is a tailoring department connected with the institution, used to make shirts, pants, and all of the rough clothing of the boys, except coats, which has been in operation some time, giving satisfaction. The clothing for the boys are the same for all days of the week. It would be well to change the clothing of the boys,

so that they might have a better class of clothing for Sunday wear, than their work clothing, and, if practicable to do so, they ought to have nicer clothing when they are in school, than when out at work. And we would recommend further that there be selected for these boys a barber, whose duty it shall be to attend to that part of the work in keeping them neater than they now are.

The buildings at the Reformatory consists of two three-story brick buildings, used as dormitories, one for the white and the other for the colored youths, as mentioned, and a very nice home for the Superintendent. The sleeping apartments are inadequate to properly care for the number of boys now on hand. The supply of bedding is scarce, and of an inferior quality. We would suggest that a warm, comfortable room be provided for the boys, when they are sick, and the necessary comforts be provided for their care during their sickness. The room they now occupy, when sick, is cold and uncomfortable, and ill provided. The rooms in the Reformatory should all be kept cleaner and nicer and more attractive to the boys than they are, by being scoured and washed frequently. We find that quite a number of glass has been broken out of the windows, and other improvements about the building are needed. The present arrangement for heating the Reformatory is very poor indeed, and we recommend that it be seen into, and remedied as early as practicable. The State owns an electric light plant, that lights the premises and grounds, and the necessary machinery for running it, and plenty of water from the artesian well, and we would recommend that better facilities be provided for the boys for bathing purposes. As it now stands, they only have small tubs to bathe in, and we would recommend that there be a bathing pool or something of that kind established as early as possible, as we deem it very essential for the good health of the inmates that this be done, in order that cleanliness may prevail, and thereby have an elevating effect upon them.

The food provided for the boys is not of as great a variety as we believe should be provided. Milk and butter is scarce, and they only get it once or twice a week, but that condition will likely change as the spring and summer comes on, and the cows owned by the State will give a greater quantity of milk.

The chapel in each of the buildings is too small for the accommodation of the boys at religious service, held every Sunday evening. We are informed that there is an effort made each Sunday

afternoon to give the boys instruction in the Bible and religious and moral teaching. The teachers in the school assist in this Sunday School work, and say they do all they can to elevate the boys in this line.

The libraries are very meagerly furnished with reading matter for them, and what is there is of a cheap character, and the pupils in the school are not furnished with sufficient books in their literary department. The grades taught there are too low to meet the demands of the pupils, and should be raised and given more of the zest of the public school. The teachers inform us that some of the boys take hold of their studies with industry and energy, and succeed very well; others make but poor progress.

We recommend that a reward of merit be provided by the management, and the inmates be granted a reduction of time, or such other relief as the management thinks proper, for cleanliness, industry, and advancement in their literary studies.

Your committee find that during the entire administration of Capt. McGuire that the family friends, and some of the employes, book-keeper and wife, were fed mostly at the table of Capt. McGuire, and entirely at the expense of the State. We find also that private teams belonging to Capt. McGuire, and cattle, were kept about the Reformatory, were fed and kept at the State's expense.

We find that in 1896, C. A. Rodgers, at that time one of the trustees of the institution, rented somewhere from 700 to 900 acres of land; the preponderance of evidence being that there was as much as 900 acres, and there being an issue of fact as to whether or not J. E. McGuire, the then book-keeper of the institution, and C. A. Rogers, then trustee of the institution, were jointly interested in this rental contract. Upon the testimony of several witnesses, among them being the sergeant, who guarded the convicts, we ascertain that this farm was from about the 1st of January up to and including planting time, cultivated almost entirely by convict labor, with State teams and State farming utensils. That during the preparation of said land for planting, a camp was maintained on the property, and the convicts would spend the entire week there at work and be carried back to the Reformatory on Saturday night; that after planting, the camp was still maintained there, and the entire crop cultivated with convict labor up to and including June of 1896, with the same teams and farming utensils. That this entire crop, which consisted of from 500 to 700 acres in cotton and some 200 acres

in corn, was gathered with convict labor. As to how many men were kept there, we took the testimony of the sergeant who had them in charge, and his testimony shows that there were from 21 to 60 men employed there. That during the cultivation and gathering of this crop these convicts were fed at the State's expense; its teams and farming utensils were kept up at the State's expense, and the guards and sergeants were State's employes. According to the books, kept at that time by J. E. McGuire, they show that this force of men worked 25 days in the preparation and cultivation of this crop, and three days in gathering the cotton. There is a conflict here between the facts, as shown by the guards, as to the amount of labor performed on this property at this place and the books and account rendered the State for services.

We find that in 1896 Mr. Culp, who is now the representative from that district and a member of this committee, and who at that time held a position in the service of the State in the institution, traded cattle with Capt. McGuire, giving him eight head of steer cattle for twelve head of heifer cattle; that the eight head of steer cattle were delivered at the private ranch of Capt. McGuire, and that the twelve head of heifer cattle were obtained by said Culp from Capt. McGuire out of the Reformatory pasture; that these heifer cattle, when obtained by Culp, had the State's ear mark upon them. Said Culp still has some of the cattle in his possession. We found no entry of any credit given the State for these cattle.

We find that in 1898 the convict labor was employed in cutting grass several miles from the town of Gatesville, and that the grass was being cut by them on the shares. That a portion of the hay was hauled to the Reformatory for its use; that one car load was hauled to the town of Gatesville by convict labor, having been previously cut and baled with convict labor, State machinery, teams, and superintended by State employes. That one car of this hay was hauled by convicts, under the supervision of State employes, with State teams and wagons, to the town of Gatesville and shipped to Waco, in McLennan county, and consigned to J. E. McGuire. We find, from the statement of J. E. McGuire, that he received this hay and same had never been paid for to the State within his knowledge, and that Capt. McGuire, his father, owed him various and sundry amounts, and in this way he had paid Capt. McGuire for the hay. We examined the books and found no credit to the State where any amount from any

person had been made for this car of hay.

We find that in 1898 J. E. McGuire, who then lived at Waco, Texas, owed a debt upon certain cattle; that five head of these cattle were sold to one Wells, in Gatesville, and shipped to him from Waco, and a few days afterwards transferred to the State through Capt. McGuire at a cost of \$100 each. We find that about the same time seven head of cattle belonging to J. E. McGuire, upon which there was also a debt, were transferred to one McKnight; that these cattle were then on the ranch of Capt. McGuire within a mile and a half of the reformatory; that they were never actually delivered to McKnight, but were delivered directly from the pasture where they ranged to the Reformatory and transferred to the State at a cost of \$725, making a cost for these cattle a total of \$1225 paid by the State. Your committee examined these cattle in person, and it calls attention to the transaction from the standpoint of the committee's judgment of the value of this property.

Your committee ascertained, from the testimony of some of the State employes, the sergeants and their assistants, from the book-keeper, C. A. Rodgers, and from reputable citizens, both in the town of Gatesville and living on and owning adjoining farms to the one hereinafter described, the following facts:

We find that in the fall of 1894 Capt. McGuire purchased from one Ayres 690 acres of land within about one mile and a half of said Reformatory; that there was something like 180 acres of said land in cultivation at the time of this purchase; that Capt. McGuire gave \$6,500 for this property, \$3,500 in cash and the remainder one, two and three years; that the land that was not in cultivation was timber and prairie. We find that in the spring of 1895 and fall of 1895, Capt. McGuire, using convict labor, State implements, wagons, and teams, cleared the timber and brush, which was very dense, principally brush, from about 30 acres of this land, grubbed it, cleared it of all obstructions and put it in a high state of cultivation. We find that in the winter of 1896 he cleared fifty acres of land in a different place entirely with convict labor, guarded by State employes, using State implements, and put this fifty acres of land in a fine the year 1896 he dug two artesian wells on this property with convict labor, except the superintendent. We find that barns were built, painted and put in first-class condition; that this was done partly with convict labor. That from the time of the purchase of this farm up

to and including the planting of it in the fall of 1898, with the exception of a small amount rented to one or two tenants, the entire farm of about 250 acres was planted, prepared for planting, cultivated, gathered, threshed and hauled to market by convict labor, with the use of State employes, State teams and farming implements. That during the fall of 1898 the great body of this farm was sowed down in wheat and oats and put in an excellent state of cultivation up to January of 1899, and the State farm left to a great extent without attention.

That during 1896 and 1897 this farm, with pasture and cross fencing, was all fenced, the labor being done by convicts, guarded by State employes and with the use of State implements.

We find that in 1899, just before Capt. McGuire gave possession of the Reformatory, that he was building a house in the town of Gatesville; that he used State convicts and its guards and teams for the purpose of hauling sand, dirt and doing other work about said premises in Gatesville. They moved a barn some three and one-half miles from the farm in the country to the place in town, using and doing so with convict labor, State implements and State teams and utensils.

Your committee ascertained that it had been the custom to use the convicts at the Reformatory at different places on farms ever since and during the entire period of Capt. McGuire's superintendency, and that they were used for many miles around, and your committee found it impracticable to undertake to trace out and see the condition of this account, as kept in the books.

Your committee, then, thoroughly investigated, with the assistance of a competent bookkeeper and the assistance of C. A. Rodgers, the bookkeeper of the Reformatory, to ascertain if any credit had been given the State for these services. We found that the books for 1894 were gone, and could not be accounted for. We found the account in the books of 1896 marked on the index of the same in the name of Capt. McGuire on page 50 and page 100. On page 100 we found the account which is copied into the annual report for that year. At page 50 we found that the account had been torn from the book, and all was abstracted from page 48 to page 55 of said book. We found no account whatever in the books charging Capt. McGuire with any item for the use at any time or place of the State convicts, the State employes and State implements. We examined the bookkeeper, Mr. Rodgers, and found that no entry had ever been made by him

of any charge against Capt. McGuire for these uses. We examined the sergeant and guards, whose duty it was to make report to the bookkeeper for labor performed by the convicts, and we found they had never reported any item against Capt. McGuire in favor of the State for services performed. We found they had never been instructed by Capt. McGuire to make any report as between himself and the State.

From witnesses, your committee found that some amount of wood was delivered to the Reformatory at the time of the clearing of the land of Capt. McGuire's in 1895 and 1896, but found no entry in the books crediting any amount of wood to Capt. McGuire as having been credited to the State's account. From the best information your committee could gather this was a small amount of wood of a very inferior character, made up of the roots and brush and poles out of the same dug up in the clearing of the land. The greater body of the timber from said clearing was delivered at the farm house of Capt. McGuire and used in the digging of the artesian wells hereinbefore referred to.

Your committee also ascertained that from sometime in the spring of 1898 Capt. McGuire's health had begun to show signs of failure, and that it continued to do so until the present time; that this in all probability has gone so far as to affect his mental condition. Following that investigation up, your committee summoned citizens, the family physician of Capt. McGuire and others to ascertain the true condition as to his health and mental infirmity. We found from the family physician that, while he had never been called into the family for the purpose of treating Capt. McGuire in the last eight months, yet he had the opinion that his health had been failing during the period referred to and there were signs of it having affected him mentally. We gathered the same facts from many good and reputable citizens of that community. We sent for the sons of Capt. McGuire and examined them. They corroborate and confirm this. We sent for Capt. McGuire himself and offered him an opportunity to make a statement before the committee, but at the instance and upon objection on the part of J. E. McGuire, your committee failed to examine Capt. McGuire. Your committee sent for the trustees and ex-trustees of the Reformatory to ascertain whether or not Capt. McGuire had any authority from them to use the convicts for his own use in the manner specified above, and we found from them that no such authority had ever been given.

Your committee reduced to writing the statements of the different witnesses, bookkeepers and citizens, and beg to submit copies of the same with this report. The statements were taken down by an expert stenographer and by him compiled in its present form.

Your committee are of the opinion that steps should be taken to overhaul the entire account of Capt. McGuire with the State of Texas during his superintendency of this institution, with the view that a true and correct settlement may be had between the State of Texas and said superintendent, and that such legal proceedings and investigations be instituted as is necessary to bring about such settlement. Concurrently,

A. B. DAVIDSON,  
JNO. A. WAYLAND.  
Committee.

(Senator Davidson stated that the testimony adduced before the committee had been taken by a reliable and expert stenographer, and would be transcribed and ready for presentation to the Senate on tomorrow.)

Senator Gough moved that the report of the committee (above) be printed in the Journal *without the testimony*.

So ordered.

On motion of Senator Linn, the regular order of business was suspended to take up, on second reading,

Senate bill No. 180, A bill to be entitled "An Act to create a more efficient road system for Wharton county and Lavaca county, in the State of Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, defining their powers and duties as such, and providing for the appointment of road overseers and their duties, and for the working of county convicts on the public roads of such counties, and providing for the payment of officers' fees and rewards and penalties for said convicts, and to provide for the summoning of teams for road work, and for an allowance for time of road service for the same, and fixing penalties for the violation of this act."

Bill read second time, and ordered engrossed.

On motion of Senator Linn, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—25.

Atlee.	Goss.
Davidson.	Gough.
Dibrell.	Greer.

Grinnan.	Potter.
Hanger.	Ross.
James.	Sebastian.
Kerr.	Stafford.
Linn.	Terrell.
Lloyd.	Turney.
McGee.	Wayland.
Miller.	Yantis.
Neal.	Yett.
Odell.	

Absent.

Stone.

Absent—Excused.

Johnson.	Morriss.
Lewis.	Patterson.

The bill was read a third time, and passed by the following vote:

Yeas—25.

Atlee.	Miller.
Davidson.	Neal.
Dibrell.	Odell.
Goss.	Potter.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Turney.
Kerr.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.
McGee.	

Present—Not voting.

Burns.

Absent.

Stone.

Absent—Excused.

Johnson.	Morriss.
Lewis.	Patterson.

Senator Linn moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

On motion of Senator Yett, the regular order of business was suspended to take up, on second reading,

Senate bill No. 77, A bill to be entitled "An Act to regulate the sale of cocaine, opium and other poisons."

Bill read second time (in full at request of Senator Davidson).

Pending action on engrossment, Senator Linn moved to postpone further consideration of the bill to tomorrow.

Lost.

By Senator Miller:

"Amend by adding after the word 'physician,' in line 12, the following, 'and it shall be unlawful for any merchant, druggist or other person to sell, except upon the prescription of a physician, to any person, any patent or proprietary medicine or other compound which contains

cocaine as one of its principal ingredients or in sufficient quantity to produce intoxication.'"

By Senator Odell:

"Amend the amendment by adding 'knowingly' before 'sell.'"

Lost.

Senator Miller's amendment was then adopted.

By Senator Linn:

"Amend by adding after the word 'dentist,' in line 17, the following, 'and the sale or gift by any druggist of any cocaine, morphine, opium or any compound or prescription thereof shall be held as a guarantee by such druggist that such compound contains no more than the maximum amount of such poison as above set out.'"

Adopted.

By Senator Dibrell:

"Amend in line 9, Section 1, by inserting after the word 'give' the following, 'or any person who shall purchase.'"

Lost by the following vote:

Yeas—7.

Atlee.	Miller.
Dibrell.	Neal.
Grinnan.	Turney.
Kerr.	

Nays—19.

Burns.	Odell.
Davidson.	Potter.
Goss.	Ross.
Gough.	Sebastian.
Greer.	Stafford.
Hanger.	Terrell.
James.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.
McGee.	

Absent.

Stone.

Absent—Excused.

Johnson.	Morriss.
Lewis.	Patterson.

By Senator Hanger:

"Amend by inserting in line 30, page 1, after the word 'than,' where it first occurs, the words 'fifteen nor more than fifty dollars,' in lieu of the words 'five nor more than twenty-five dollars.'"

Adopted.

The bill as amended was ordered engrossed.

The Chair had read the following:

*To the President of the Senate:*

The Daughters of the Republic, Wm. B. Travis Chapter, extend a cordial invitation to the Senate to attend a reception in the Senate Chamber tomorrow evening at 8 o'clock, to commemorate the

anniversary of the Independence of Texas.

WM. B. TRAVIS CHAPTER, DAUGHTERS OF THE REPUBLIC.

On motion of Senator Burns, the above invitation was accepted.

Senate Concurrent Resolution No. 12:

By Senator Miller:

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, that at the request of the "Colonial Dames," the wild "lupin" or "blue bonnet" be adopted as the State flower of the State of Texas.

Adopted.

Senator Ross entered a notice to reconsider the vote by which the resolution was adopted.

Senator Turney moved to suspend the regular order of business to take up, on second reading,

Senate bill No. 71, A bill to be entitled "An Act to amend Article 1011, of the Revised Statutes of Texas, relating to compensation for clerks of the several courts of civil appeals, fixing their fees and charges, providing for reports and fixing penalties for failure to make same."

Pending action, on motion of Senator Goss, the Senate adjourned to 10 a. m. tomorrow.

### THIRTY-SEVENTH DAY.

Senate Chamber,  
Austin, Texas, Thursday, March 2, 1899.

Senate met pursuant to adjournment.  
President Pro Tem. Stafford in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Neal.
Dibrell.	Odell.
Goss.	Potter.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Stone.
James.	Terrell.
Kerr.	Turney.
Linn.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.

Absent.

Lewis.

Absent—Excused.

Johnson.

Patterson.

Prayer by the Chaplain, Rev. Dr. Den-son.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

EXCUSED.

On motion of Senator Turney, Senator Lewis was excused for today on account of important business.

### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, March 1, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

House bill No. 571, being a bill to be entitled "An Act to authorize the Gulf, Beaumont & Kansas City Railway Co. to purchase, own and operate the railroad, including all the property, property rights and franchises and appurtenances of the Gulf, Beaumont & Great Northern Railway Co., now existing or that may hereafter be built or acquired by the Gulf & Great Northern Railway Co., and to authorize and empower the Gulf, Beaumont & Great Northern Railway Co. to issue bonds secured by a mortgage upon the railway, property, rights and franchises of the Gulf, Beaumont & Great Northern Railway Co., as said value may hereafter be ascertained and fixed by the Railroad Commission of Texas, and to regulate the reports of such properties and the operation thereof, and to enable said corporation, the Gulf, Beaumont & Great Northern Railway Co. to build, construct and equip its proposed line or lines of railway as provided in its charter, and for said purpose to raise money therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

GOUGH, Acting Chairman.

Committee Room,  
Austin, Texas, March 1, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 212, being a bill to be entitled "An Act to authorize the Houston East & West Texas Railroad Company to lease and operate under lease, the Houston & Shreveport Railroad, extending from the State boundary line at Logansport, Louisiana, thence through the